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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,895	12/07/2001	Alfred Preukschat		5243
<div>7590 10/01/2007</div> <div>DR. MAX FOGIEL 44 MAPLE COURT HIGHLAND PARK, NJ 08904</div>				
			<div>EXAMINER</div> <div>NGUYEN, XUAN LAN T</div>	
			<div>ART UNIT</div> <div>3683</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>10/01/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/008,895

Examiner

Lan Nguyen

Applicant(s)

PREUKSCHAT ET AL.

Art Unit

3683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 12 July 2006 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.


Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other:

On July 20th, 2007, case 10/008,895 was returned to the Examiner from the Board of Patent Appeals and Interferences. The Order to Return is for the Examiner to consider Applicant's Response dated 7/12/2006. After reviewing the case, it is found that:

On July 12th, 2006, Applicant faxed in three (3) Supplemental Responses. One at the hour of 14:06, one at 14:36 and one at 14:44, as stamped by the fax machine at the time of sending. These Responses have been titled by Applicant as "Supplemental Response". These Responses have not been entered because of the reasons stated above.


XUAN LAN NGUYEN
PRIMARY EXAMINER

9/18/07